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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 11

Application Number: 09/678,637
Filing Date: October 03, 2000
Appellant(s): CONBOY ET AL.

ROBERT KOWERT (Reg No. 39255)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Jan 12, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

Claims 16-18 are finally rejected as Applicant has described.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 16-18 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

4,781,511	Harada et al	11-1988
5,434,775	Sims et al	7-1995

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,781,511 to Harada et al in view of U.S. Patent No. 5,434,775 to Sims et al.

3. Referring to Claim 16, Harada shows the moving of a work piece between first and second fabrication areas where the work piece is located in the first fabrication area and is to be transferred to the second fabrication area comprising transferring the work piece from the first fabrication area to the second fabrication area (Col 1, line 57 – Col 2, line 2).

4. Harada does not show tracking the location of the work piece by providing a database including a location entry for the work piece, wherein the location entry indicates the work piece is located within the first fabrication area, and upon transferring the work piece, updating the database location entry to indicate the work piece is located within the second fabrication area.

5. Sims teaches a device tracking system where each device (work piece) is tracked using a network of communication links, each of which correspond to a location. Device location is continuously monitored (Abstract). Sims teaches (Claims 41, 64) a database for storing the location information of each device and would inherently be updated when the movement of a device is detected.

6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the database tracking system of Sims with the work piece movement and fabrication system of Harada because knowledge of the exact location of work pieces and products is highly desired information in a production system.

7. Referring to claims 17-18, Harada shows the method of placing the work piece within a first container ("Pod", Col 4, lines 29-49) within the first fabrication area, and providing an empty second container within the second fabrication area ("Pod", Col 4, lines 29-49). The processing which takes place in Harada (Col 4, lines 29-49) takes place at each fabrication area (Col 1, line 67 – Col 2 line 2), thus an empty cassette is supplied at each fabrication area.

(11) Response to Argument

In defense of the Final Rejection under 35 USC 103(a), the Examiner will first describe the each prior art reference in light of the Appellant's remarks throughout prosecution of the present application.

The Harada reference, in its most simplistic form, shows a semiconductor processing system for the movement of semiconductor wafers (workpieces) around a manufacturing plant. Column 1, lines 57 – Column 2, line 2 shows the simple moving of a workpiece from one manufacturing area to another.

The Sims reference, in its most simplistic form, shows a management system for the inventory of devices. The Sims system is a "tag" based tracking system where small transponders are used to track articles around a facility using radio frequency waves to track the position of the items as they move throughout a facility.

Appellant first argues the combination of the references is improper (non-analogous art) citing the fact that the Sims reference is used for tracking devices around a hospital and not for tracking work pieces around a manufacturing facility. Examiner points specifically to column 22, lines 32-37 of the Sims reference which state "The invention is broadly applicable to facilities other than hospitals, and to tracking devices other than portable patient care devices. Any facility (**e.g. manufacturing plants**, etc) in which it is desirable to monitor the locations and/or conditions of devices is a candidate for the invention." Clearly this passage of Sims

indicates that this technology could easily be used in a semiconductor manufacturing plant such as that of Harada and that the argument against combination as non-analogous art is incorrect.

Applicant then argues that the tracking devices of the Sims reference would destroy the semiconductors of the Harada reference. While it is obviously true that attaching a tracking device directly to the semiconductor wafer (work piece) is impractical, in reality the tracking device would be attached to the carrying cassettes of the processing system. Applicant then argues that this approach would only successfully track the containers location and that the tracking device would not follow the wafer from one fabrication area to another. Harada column 1, lines 58-69 shows where after the processing is completed in one processing area, the wafers are loaded into a transfer cassette and transfer "pod" which is then moved from the first fabrication area to a second fabrication area. Using the system of Sims combined with this cassette/pod system of Harada, the database would be updated with the new location of all of the wafers moving with the transfer cassette. Examiner gives the following analogy: assume Sims is being used in it's preferred environment of a hospital and one wished to track the location of a specific medicine in pill form. Obviously one cannot attach a tracking device directly to each pill, so the tracking device would be placed on the container. Since the container is moved from one area to another and the pills always remain in the container until consumed, the database would track the location of the pills. Applicants argument that the wafers are moved from one container to another between processing stations and that the tracking device would not follow the wafer to the next processing station is irrelevant to the claims as currently written. Harada shows the movement of a workpiece in a single cassette from one processing station to another,

and when combined with Sims, a database is updated with the location of the workpiece upon movement.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Daniel Masinick
January 23, 2004

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